

REMARKS

This amendment accompanies an RCE filed currently herewith under Rule 1.114, and responds to the Office Action in this case dated January 12, 2005. At the time the Office Action was mailed, claims 50-53 were pending. Claims 50-53 have been cancelled, and new claims 57-64 have been added by this amendment. Accordingly, claims 57-64 are now pending.

In the Office Action mailed June 17, 2004, claims 50-53 were rejected. More specifically, the status of the application in light of the June 17, 2004 Office Action is as follows:

(A) Claims 50-53 stand rejected under 35 U.S.C. Section 112, first paragraph; and

(B) Claims 50 and 52 stand rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No. 4,466,864 to Bacon et al. ("Bacon").

The undersigned attorney wishes to thank the Examiner for engaging in a telephone interview on September 8, 2004. During the telephone interview, the undersigned attorney and the Examiner discussed canceling claims 50-53 and adding claims 57-64. Pending a new search, the Examiner agreed that features disclosed in new claims 57-64 are not disclosed by Bacon. The Examiner also agreed that the specification should be amended to provide further written description (including reference numbers) in support of the new claims. Such a written description has been added by way of this amendment, and Figure 5C has been amended to include corresponding reference numbers.

A. **Response to the Section 112 Rejections**

Claims 50-53 have been cancelled and accordingly, the Section 112 rejections of these claims are moot. New claim 57 is directed to an apparatus for electrochemically processing a workpiece and includes a bowl and a cup within the bowl, with an interstitial region located between the cup and the bowl. The cup provides a process chamber having a rim, and the interstitial region is in communication with the process chamber at the rim of the cup. An annular compartment is located outside the interstitial

region and is in communication with the interstitial region at an elevation that is above the rim of the cup. The apparatus further includes an outer connection that communicates with the annular compartment.

Claim 57 complies with 35 U.S.C., Section 112, second paragraph and with the MPEP because, *inter alia* and as recited by the MPEP at Section 2163.02, the description "describe[s] the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor[s] had possession of the claimed invention" and that the specification uses "such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention." Furthermore, neither the new claims nor the new paragraph provided herein add new subject matter to the application because, to the extent they refer to matter not explicitly described in writing in the application as filed, this matter is already plainly shown in the Figures as filed.

B. Response to the Section 102 Rejections

The Section 102 rejections of claims 50 and 52 are moot in light of the fact that these claims have now been cancelled, and accordingly, applicants' do not comment on or concede the merits of the Section 102 rejection of these claims. The Bacon reference fails to support a Section 102 rejection of independent claim 57 because, *inter alia*, Bacon fails to disclose or suggest both "an annular compartment outside the interstitial region" between a bowl and cup that is "in communication with the interstitial region at an elevation that is above the rim of the cup," and "an outer connection that communicates with the annular compartment." Claims 58-64 depend from claim 57. Accordingly, for at least the foregoing reasons, and for the additional features of the claims, Bacon also fails to support a Section 102 rejection of claims 58-64.




Conclusion

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3257.

Respectfully submitted,

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Amendments to the Drawings:

Enclosed herewith are formal figures, including an amended version of Figure 5C, in which reference numerals 205, 220, 306, 307, 308 and 309 have been added (consistent with the new paragraph added at page 14 of the Specification). In accordance with the Office's revised format, this drawing has been labeled "Replacement Sheet."